

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION
BUREAU, et al.,

Plaintiffs,

v.

Case No.: 5:21-cv-00016-EKD-JCH

NEXUS SERVICES, INC., et al.,

Defendants.

**PLAINTIFFS' INITIAL WITNESS AND EXHIBIT LISTS IN SUPPORT OF
THEIR REQUEST FOR EVIDENTIARY SANCTIONS, INJUNCTIVE
RELIEF, CONSUMER REDRESS, AND CIVIL MONEY PENALTIES**

Plaintiffs designate the following witness and exhibits in support of their request for evidentiary sanctions, injunctive relief, consumer redress, and civil money penalties:

Witness

1. Patrick Callahan, Investigator of the Consumer Financial Protection Bureau, will testify regarding his calculations of the amount of money that Nexus Services, Inc. and Libre By Nexus, Inc. (Entity Defendants) received from consumers during the period covered by Entity Defendants' interrogatory responses, December 2013 through October 2021, and his estimations of the amount of money that Entity Defendants received from consumers between November 2021 and June 2022 based upon records that Defendants produced of their point-of-sale payment system, Lightspeed.

Exhibits

1. Unredacted version of Declaration of Patrick Callahan and Exhibit A to the Declaration (ECF No. 216-2).
2. Unsealed version of Entity Defendants' Supplemental Responses to the Commonwealth of Virginia's First Interrogatories, dated January 7, 2022 (ECF No. 216-1, Ex. 3).
3. Records of Entity Defendants' point-of-sale payment system, Lightspeed, dated from February 2021 to June 2022, that Defendants produced to Plaintiffs in this litigation on or about July 29, 2022.
4. Agreements between Defendant Libre by Nexus, Inc. and consumers:
 - a. CFPB_LIBRE-00000363-00000373 (ECF No. 216-1, Ex. 2); and
 - b. CFPB_LIBRE-00001368-00001389 (ECF No. 216-1, Ex. 1).
5. The disclosure provided to state attorneys general on or around June 12, 2020, by Libre by Nexus, Inc. in connection with a class action in the Northern District of California, *Vasquez et al. v. Libre by Nexus, Inc.*, 4:17-cv-00755 (N.D. Cal.), and as required by the Class Action Fairness Act of 2005, 28 U.S.C. § 1715(b)(7), setting forth Libre's "reasonable estimate of the number of class members residing in each State and the estimated proportionate share of the claims of such members to the entire settlement" (ECF No. 216-1, Ex. 4).

Dated: June 26, 2023

Respectfully submitted,

Attorneys for the Consumer Financial Protection Bureau

Eric Halperin
Enforcement Director

Alusheyi J. Wheeler
Deputy Enforcement Director
Kara K. Miller
Assistant Litigation Deputy

Hai Binh T. Nguyen
California Bar Number: 313503
Leanne E. Hartmann
California Bar Number: 264787
Lee I. Sherman
California Bar Number: 272271
Consumer Financial Protection Bureau
1700 G Street, NW
Washington, DC 20552
Telephone (Nguyen): (202) 435-7251
Telephone (Hartmann): (415) 844-9787
Telephone (Sherman): (202) 374-4575
Email: haibinh.nguyen@cfpb.gov
Email: leanne.hartmann@cfpb.gov
Email: lee.sherman@cfpb.gov

Attorneys for the Commonwealth of Virginia, ex rel. Jason S. Miyares, Attorney General

Jason S. Miyares
Attorney General
Charles H. Slemp, III
Chief Deputy Attorney General
Steven G. Popps
Deputy Attorney General
Richard S. Schweiker, Jr.
Chief and Senior Assistant Attorney General

James E. Scott
Assistant Attorney General
Virginia Bar Number: 88882
David B. Irvin
Virginia Bar Number: 23927
Unit Manager and Senior Assistant Attorney General
Office of the Attorney General
Consumer Protection Section
202 North Ninth Street
Richmond, VA 23219
Telephone (Irvin): (804) 786-4047
Telephone (Scott): (804) 225-4778

Fax: (804) 786-0122
Email: dirvin@oag.state.va.us
Email: jscott@oag.state.va.us

Attorneys for the Commonwealth of Massachusetts

Andrea Campbell
Attorney General

Jon Burke
Massachusetts Bar Number: 673472
Assistant Attorney General
Office of the Attorney General
10 Mechanic Street
Worcester, MA 01608
Telephone: (774) 214-4416
Fax: (508) 795-1991
Email: Jonathan.burke@mass.gov

Attorneys for the People of the State of New York

LETITIA JAMES
Attorney General

Jane Azia (New York Bar Number: 1539600)
Bureau Chief for the Bureau of Consumer Frauds and Protection
Laura Levine (New York Bar Number: 2337368)
Deputy Bureau Chief for the Bureau of Consumer Frauds and Protection

Franklin H. Romeo
New York Bar Number: 4422051
Assistant Attorney General
Office of the Attorney General
28 Liberty Street
New York, NY 10005
Telephone: (212) 416-8320
Fax: (212) 416-6003
Email: franklin.romeo@ag.ny.gov